

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12411 of 2004

Between:

- 1 Syed Rukunuddin S/o late Syed Kareemuddin
18-2-805/3, Chawni Ghulam Murtuza, Kandikal Gate, Hyderabad
- 2 Syed Fasiuddin S/o Syed Ruknuddin
18-2-805/3, Chawni Ghulam Murtuza, Kandikal Gate, Hyderabad

..... PETITIONERS

AND

Andhra Pradesh Housing Board rep. by its Vice Chairman & Commissioner,
Gruha Kalpa, Mukkraram Jahi Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondent to allocate space below the Staircase available in the Bachelor buildings M.J.Road Hyderabad for setting up of Telephone booth and Stationary Shop or alternately allocate any other place available with them

Counsel for the Petitioner: MR.MIR WAJID ALI KAMIL

Counsel for the Respondent: MR.J.PRABHAKAR (SC FOR APHB)

The Court made the following:

ORDER:

-

Except stating in the affidavit that the petitioner is a handicapped person and is not employed anywhere, learned Counsel for the petitioner failed to satisfy this Court as to how the petitioner is entitled for allotment of space for establishing a telephone booth from the respondent-Housing Board, especially, in the absence of any vested right under any statute. Hence, the present writ petition for issuance of a writ of Mandamus directing the respondent-Housing Board to allot space to the petitioner cannot be entertained. It is for the respondent-Housing Board to consider the case of the petitioner, if it chooses to allot any space to the physically handicapped persons. But, the respondent-Housing Board cannot be compelled by this Court by invoking the jurisdiction under Article 226 of the Constitution of India to allot such space to the petitioner as sought for.

Under these circumstances, I do not see any merit in the writ petition and the same is accordingly dismissed at the admission

stage.

19-07-2004

ghn/tsnr

To

1. Two CD copies
2. The Chairman, A.P. Housing Board, Gruha Kalpa, Mukkrram Jahi Road, Hyderabad.